

1 Anthony E. McNamer (SBN 178911)
2 **MCNAMER AND COMPANY**
3 519 SW Third Ave, Suite 601
4 Portland, Oregon 97204
5 Telephone: 503.727.2504
6 Facsimile: 503.727.2501
7 E-Mail: anthony@mcnamerlaw.com

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9 Attorneys for Plaintiff
10 JONATHAN BROWNING, INC.

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JONATHAN BROWNING, INC.,

Plaintiff,

v.

VENETIAN CASINO RESORT, LLC, et al.,

Defendants.

Case No.: C 07-3983 JSW

**DECLARATION OF JONATHAN
BROWNING IN SUPPORT OF
MOTION FOR LEAVE TO FILE
FIRST AMENDED COMPLAINT**

Date: December 12, 2008
Time: 9:00 am
Place: Courtroom 2
Judge: Hon. Jeffrey S. White

I, Jonathan Browning, declare as follows:

1. I am the President of Jonathan Browning Studios, Inc., the Plaintiff in the above-entitled matter.

2. I make this declaration in support of Plaintiff's Motion for Leave to File First Amended Complaint.

3. Plaintiff Jonathan Browning Studios, Inc. is a California corporation that designs and supplies high-end decorative interior lighting fixtures. The design of the lighting fixtures is multi-step artistic process. Initially, original hand drawings are made of the fixture designs. I personally spend countless hours developing the designs, and I draw the designs by hand. Typically, the next

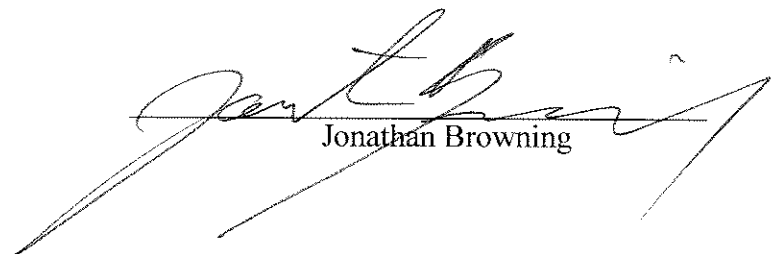
1 step is that a wax sculpture is made based on my original hand drawings. Finally, a cast is made
2 from the wax sculpture. Every single lighting fixture is a derivative of the original hand drawings I
3 make.

4 4. In April 2006, the Venetian asked Jonathan Browning Studios to bid on a project to
5 provide more than 11,000 sconces to be used in the Venetian's guest rooms and corridors as part of
6 Defendants' Venetian Tower Remodel Project at the Venetian Casino Resort in Las Vegas, Nevada.
7 Ostensibly as part of its evaluation process, the Venetian purchased ten sample Jonathan Browning
8 sconces to be used in a mock-up so the casino could decide whether to accept our bid.

9 5. Jonathan Browning Studios submitted a bid to the Venetian, offering to provide
10 11,368 sconces at a discounted price. The Venetian declined the bid, stating that the price was too
11 high. The Venetian then proceeded to copy, or had others copy, the designs on the sample Jonathan
12 Browning sconces. Those counterfeit sconces were both based upon my original drawings, and
13 direct copies of the Jonathan Browning sconces.

14
15 I hereby declare that the above statement is true to the best of my knowledge and belief and that I
16 understand that is made for use as evidence in court and is subject to penalty for perjury.

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18 EXECUTED on August 22, 2008 in San Francisco, California

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Jonathan Browning